

REMARKS

The Examiner has rejected claims 1, 6, and 16 under 35 U.S.C. § 102 (b) as being anticipated by Takemoto et al. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemoto et al. in view of Sarbadhikari et al. Claims 2-5, 7-10, 12-14, and 17-20 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In response, Applicants amend claims 1, 6, 11, and 16, add new claims 21-36 and traverse as to claims 1-20. Applicants request reconsideration of the application in view of the amendments and the following remarks.

Rejections Under 35 U.S.C. § 102(b)

In paragraph 1 of the Office Action, the Examiner rejected claims 1, 6, and 16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,065,246 by Takemoto et al., *Focusing System And Image Input Apparatus Having Automatic Focusing System Which Uses Digital Processing*.

Claim 1 is amended to patentably distinguish the claimed invention over Takemoto et al. Claim 1 (as amended) recites "a processing device coupled to said capturing device for processing said information using specified elements within said data cell." This is disclosed in the Specification as follows: "[the processing device] responsively uses these received pointers to locate and access those specified data cell 76 elements which are needed to effectively process and compress the captured image data" (Specification, page 27, lines 15-18). Further, the Specification reflects that "data cell manager 95 also stores selected data cell 76 elements into the compressed image data file created and stored by IPC 88" (Specification, page 28, lines 6-8).

Takemoto does NOT store selected data cell elements together with the compressed and processed image data. The attribute code of Takemoto is a flag to indicate the compression system used (col. 8, lines 53-55). The system of Takemoto generates this flag after file compression and not during image capture. The present invention, in contrast, generates the data cell after image capture and prior to image compression (Specification, page 26, lines 2-4 and page 27, lines 15-18). In addition, some of the information in the data cell is used for the later processing and compression of the image information (Specification, page 27, line 15 through page 28, line 1). Therefore, independent claim 1 as amended and all claims depending therefrom (i.e., dependent claims 2-5) are now in condition for allowance.

Independent claim 6 is a method claim that corresponds to apparatus claim 1 and has been amended to patentably distinguish the claimed invention over Takemoto et al. For the reasons stated above for claim 1, independent claim 6 (as amended) and all claims depending therefrom (i.e., dependent claims 7-10) are now in condition for allowance.

The Examiner rejected claim 16 under 35 U.S.C. §102(b) as being anticipated by Takemoto et al., saying, in part, that the limitation of "means for building a data cell using a manager device . . ." of the present invention reads on the "system controller 46 . . . which . . . builds and stores compressed image data in a memory 33" of Takemoto. Applicants respectfully traverse, and submit that 35 U.S.C. §112, paragraph 6 mandates the broadest interpretation that the Examiner may give means plus function language. The Applicants' claimed structure must be interpreted in light of the Specification and its equivalents for comparison to the prior art.

Claim 16 (as amended) recites "means for building a data cell using a manager device, said data cell containing said processing data; means for linking said data cell to said information . . ." This is disclosed in the

Specification as follows: “[a] data cell manager then builds a corresponding data cell containing various types of processing data which the data cell manager links to the captured raw image data. The processing data may include information such as image-capture settings, image size, user tags and image-processing parameters” (page 4, lines 7-11).

Further, “[t]he data cell thus allows specific camera settings which exist *at image capture time* to be effectively saved and linked to the corresponding image data, thereby permitting subsequent changes of the camera settings without losing those camera settings previously saved in the data cell” (emphasis added) (page 5, lines 15-19). In contrast, Takemoto discloses “[a] coding system attribute code [that] indicates whether or not the image data is compressed, and indicates the compression system if in the affirmative” (col. 8, lines 53-56). As stated by the Examiner, “the coding system attribute code is used to decompress the compressed data in reproduction mode.”

Applicants respectfully submit that, in view of 35 U.S.C. §112 paragraph 6, claim 16 has not been identically disclosed, and request withdrawal of the §102(b) rejection of claim 16 under Takemoto.

Accordingly, Applicants request that the Examiner withdraw the 35 U.S.C. §102 rejections on claims 1, 6 and 16, and allow these claims as amended, together with their corresponding dependent claims 2-5, 7-10, and 17-20.

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Takemoto in view of Sarbadhikari et al. Applicants respectively traverse.

Takemoto teaches a "memory 33 . . . [containing] a file header . . . and . . . [a] coding system attribute code indicat[ing] whether or not the image data is compressed, and indicat[ing] the compression system if in the affirmative" (col. 8, lines 51-56). Further, Takemoto teaches using the coding system attribute code, at the time of reproduction of the image, to determine the compression system used (col. 8, lines 63-68).

In contrast, claim 11 (as amended) of the present invention recites:

"A computer-readable medium comprising program instructions for correlating processing data and information by performing the steps of:
gathering said information using a capturing device;
building a data cell with a manager device, said data cell containing said processing data;
linking said data cell to said information; and
PROCESSING SAID INFORMATION USING SPECIFIED ELEMENTS WITHIN SAID DATA CELL."

Takemoto fails to teach using specified elements within the data cell to process the already compressed data as is taught in the present invention.

Takemoto lacks any suggestion for saving the compressed and processed information *together with the data cell* (see Specification, page 4, lines 7-11).

There is nothing in Takemoto to suggest saving processing data with the image information in order to later reproduce the image. There is nothing to suggest using the saved data to reproduce the image as the image existed at the time of capture, as in the present invention. Applicants respectfully request the Examiner to withdraw Takemoto as a reference. Thus, the rejection to claim 11 based on Takemoto is traversed and overcome and claim 11 is in condition for allowance.

As stated by the Examiner, "Takemoto et al does not explicitly disclose any computer-readable medium" but that "it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify memory 33 of Takemoto et al so that data information of the memory 33 can be read by

a computer as disclosed by Sarbadhikari et al because the modification of the memory of Sarbadhikari et al would provide the memory storing information data which can be reproduced and displayed by a computer.” Applicants respectively traverse.

Sarbadhikari uses a removable memory card 3 to store processed images (col. 4, lines 5-7). In addition, Sarbadhikari teaches using memory card 3 to contain the software routines to compress and process the image (col. 4, lines 53-56). Sarbadhikari teaches the inclusion of software routines that are “not in themselves images” (col. 4, line 59). The software routines include “[i]mage processing software, look-up tables, matrices, compression tables, dynamic range optimization tables, and other files capable of affecting the captured image data” (col. 4, lines 59-62).

Sarbadhikari does not teach using the processing data obtained during image capture to build the data cell as in claim 11 (as amended) of the present invention. Also, Sarbadhikari does not teach saving the processed information together with the data cell as in claim 11 (as amended). Applicants submit that it is immaterial whether the data cell of the present invention is saved in a removable memory as in Sarbadhikari or in internal memory as in Takemoto. As stated above, Takemoto lacks any suggestion for saving the processed information together with the data cell in either removable or internal memory. Thus, the rejection to claim 11 based on Takemoto in view of Sarbadhikari is traversed and overcome and claim 11 is in condition for allowance.

Claims 1, 6, and 16 are similar in scope and content to claim 11 and any rejections to them based on Takemoto in view of Sarbadhikari are traversed and overcome under the same rationale and, thus, claims 1, 6, and 16 are in condition for allowance.


Allowable Claims

On page 6 of the Office Action, the Examiner noted that claims 2-5, 7-10, 12-14, and 17-20 would be allowable if rewritten in independent form to include all the limitations of the base claims and any intervening claims. Accordingly, Applicants add new independent claim 21, which includes all the limitations of original base claim 1 and dependent claim 2. New claims 22-24 depend upon new claim 21. Similarly, Applicants add new independent claim 25, which includes all the limitations of original base claim 6 and dependent claim 7. New dependent claims 26-28 depended upon new claim 25. In addition, Applicants add new independent claim 29, which includes all the limitations of original base claim 11 and dependent claim 12. New claims 30-32 depend upon new claim 29. Finally, Applicants add new independent claim 33, which includes all the limitations of original base claim 16 and dependent claim 17. New claims 34-36 depend upon new claim 33. Thus, claims 21-36 are in condition for allowance.

The Applicants request reconsideration and allowance of claims 1-20 and of new claims 21-36. The Applicants submit that these amendments or additions to the claims have not introduced any new matter.

Respectfully submitted,
Eric C. Anderson and Mike M. Masukawa

Date: 5-26-98

By: 
Gregory J. Koerner, Reg. No. 38,513
Carr & Ferrell, LLP
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
TEL: (650) 812-3400
FAX: (650) 812-3444